G. R. S. IX-5]

Previous references.

Revenue

1927-20 (LB) 171

File No 54-18

Serial Nos 1

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 (only one)

Part B for November 1921

SUBJECT.

Rules relating to Local Boards under the Local Boards & Village Panchayats Regulation III of 1913

(Cl) To the Commissioner, Mysore

Gazette

No L 2969 dt 21-11-21.

Notifies certain rules under Secs. 2, 24 & 28 of the Mysore L.B.s & Village Panchayats Regn II of 1913 in the Chikmagalur Taluk

22-11-21 Ack—

WD 1868—GPB—16,626—23-7-21

G. R. S. III—1] 1919. 3 12189

GENERAL AND REVENUE SECRETARIAT.

(L.B)

NOTES.

File No. 54/18

FILE HEADING.

Rules relating to Local Boards under the Local Boards & Village Panchayats Regulation, VI 1918

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

0100001

NOTES AND ORDERS.

Draft rules under Secs 24 & 26 relating to the levy of Cess by Local Boards are submitted.

HK
13.3.1919

2. The draft rules were prepared under instructions

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

1209

G. R. S. III-2]

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from the Dewan.

3. Forwarded with compliments to Mr B. D. Kelawa Degree for being dealt with further in the usual course

Hon
17-3-19
M

2. Pleaching up
18.3.19) MM 7.3.19

5. Subd for orders.

Rec'd
4.4.19 M

Rec'd 010000 6.

Attd with Memo
a cheque
Rec'd

M 7.4.19

17/4

7 Please bring up

8 Mr Smith Secretary deceased
Mr Parkin writes. 24.
The Financial Secretary
Mayor Cancelled.

MM 22/4

Rec'd
10/5

9 Respectfully resubmitted:-

I have looked further into the question, and find that there is separate provision for the Construction of Railways, ~~and Act~~ (Vide Sec 24 (9)). The words now framed would appear to be in respect of

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

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Serial No.

discharging loans raised for the specific purposes mentioned in rule 6. These rules empower the levy of cess. If railways are also included in these rules, then, rule 3 would give room to the levy of an additional cess, over and above the levy of R^d cess authorised under the Statute in sec 24 (a). These rules would apply to cases coming under sec 24 cl (b) and sec 7 (2).

In this connection, it is submitted, that a doubt would seem to arise as regards the legality of the B^d. raising ~~transfer~~ a loan for R^y. purposes (vide sec 24 (a) - which says that ~~the construction of railways shall be by means of a~~ the levy of R^d cess should be utilised solely for construction of purposes.

10. I submit the Govt. advocate may be first consulted and then the file sent.

MK
13.5.19

4679
13.5.19

Third Member)

11. We give our opinion on the points in the draft Bye laws framed, the Constructing of railways should not be mentioned in rule 1 as one of the objects for which loans may be raised. The Omission of the same might have the inference that no loan can be raised for the construction of Railways. The fact that expenses in

2

NOTE—Contn. sheet.

R. S. III-2]

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Made in Section 24 of Railways Act is not applicable, because it will be argued that that section authorises the construction of Railways not to the Rounds situated by the sea and does not make them authorise the raising of a bund. We only think that authorises the raising of the bund if the purposes mentioned in the Act which is for raising of the bund no mention is made of Railways then the National expenses will be that under section 7 the raising of bunds if the construction of Railways is not contemplated, the Govt has to pay the construction does not of the Govt account.

Then if there is no harm in including construction of Railways in the list of the purposes given in rules of the Act bunds. As mentioned there has not been shown to the satisfaction that the expenses of two cases is contemplated we under section 7 of the Act under section 24—

12. The first address may be consulted

15/5

NOTE.—Contn. sheet.

G. R. S. III-2]

12189

General and Revenue Secretariat. | File No. | of 191

Serial No. 13

Govt 99
& 17.5.19

Rec'd Sec'l Off
MAY 19 19
III
71165

G. O. No. 110 of 18-9

Forwarded with compliments & the Govt. accounts for opinion.

Yours
M Hampson
Secretary

16.5.9

14 Section 7 of the regulation enables a local Board to raise loans for any of the purposes detailed in the Regulation - perhaps more particularly in respect of the more important & costly purposes referred to in section 8. As the objects for which such loans are intended are not specified in the section itself and as even clause (j) of section 8 is very generally worded, it is clear that ample discretion is vested in the Government regarding the selection of the purposes for which loans could be raised:

15 Therefore if rules are framed under sections 26 and 26 ~~and~~ adopting the wordings now proposed and if "tramways & railroads" & any other important matters are left out, the natural inference would be that Government do not want

NOTE—Contn. sheet.

G. R. S. III-2]

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Local Boards to raise loans for any such purpose & no loans can be raised unless the rules are amended & altered suitably. In fact the rules will have the effect of acting as a check on the wide discretion vested in the Government.

16 Section 11(a) no doubt provides for a railway cess being levied for being utilized for construction only. But there are sure to be instances where a much larger sum might be required for such purpose & the rules will be an obstacle to raising loans. It will therefore be better to make the rules as comprehensive as possible - as Government sanction is anyhow necessary for every step to be taken in this direction.

17 The next question I need is whether the legislation admits of 2 cesses being levied for Railway or Tramway ~~Construction~~ system - one under Section 11(a) for construction only and another under

NOTE—Contn. sheet.

Serial No.

under 24(6) for guaranteeing the repayment of loans raised for construction.

18. There is no doubt that 24(6) does not exclude the levy of a cess for guaranteeing the repayment of a loan raised for purposes of construction of Railways as such a loan is one "raised for a specified purpose under the regulation" under section 24(6). As there is a provision for raising a Railway Cess also under 24(a) - there is no doubt that the Regulation authorizes the raising of a loan as also the levy of a cess under 24(a) for practically the same purpose; and whenever a loan is raised it is open to the Boards to ask for permission to levy a cess under section 24(6).

19. Such a curious double levy of cess is no doubt permitted by the language of the Regulation. But I do not think that such a course would be permitted in practice as it is the Government that have the final voice in all these matters.

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat. | File No. 1 of 191 .

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matters.

20 Raising of a loan will be sanctioned where a very large amount is required for construction and in this case a cess under section 4(b) will be permitted to be levied. But in cases where large sums are not required all at once and the programme of construction is spread over a number of years the usual course referred to in 2(c)(a) will be adopted & as, in this latter case, the whole loan need not be covered under 4(b).

21 To raise a loan and also to levy a cess at the same time under 4(a) would perhaps be against the spirit of the regulation though the letter of the law allows it.

W. H. Anderson
Government Advocate
27-5-15.

22

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191

Serial No.

22. Submitted with the A.O. opinion of the Govt Advocate.

29.5.19

MK 3/7/19

23) Third member) Rules may be drafted including construction of roads, bridges & railways within local purposes for which loans may be raised.

5110 8.6.19

8/6

24) A revised draft is put up.

MM 9/6.

25) Financial opinion may now be taken on these rules.

20/6/19

26) Third Member) Govt. may be consulted.

MK 21.6.19

5362 21.6.19

21/6.

27) To fair sheet for favour of opinion.

MM 22/6.

28) Rule 1.--By capital works, I take it, ~~are~~ is meant works of an assuredly productive character. If so, I am not sure if roads and drainage works would come under this category. It is not also clear what irrigation works of a productive nature come within the province of Local

FINANCIAL SECRETARIAT. BANGALORE. 24 JUN 1919

Fl 2998-18

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-19—S.

Serial No.

Fl.2998-1918.

Boards. Neither is it clear how encouragement to industries is considered as a productive work, unless it is intended that the encouragement should take the form of ~~industrial~~ loans to industrial concerns which are proved to be paying. The prospects of Local Boards being in a position to afford financial assistance to industrial concerns appear to be remote and it may not be necessary for some time longer at any rate to permit borrowing for encouragement of industries. The demands on account of water supply, drainage, medical relief, communication, etc., to be met by the Boards are more than what their resources including loans which they may be able to float, can bear.

99) Rule 2.--It is desirable to amplify this rule on the lines of the rules issued by the Government of India under the Local Authorities Loans Act of 1914; vide rules 3, 4, 10, 14 (b) and 18.

Mitra 8/8/19

Rao Levy) 9/8

3d) Submitted. A copy of the Collin's L.S.G. Handbook is submitted. Please see page 665 for the rules under Local Authorities Loans Act of 1914.

Rao 12/8/1919

NOTE—Contn. sheet.

General and Revenue Secretariat. | File No. 54 of 1918. 4.

Serial No.

31) Submitted for perusal and orders. A revised draft will be submitted for final approval if the suggestions of the Hon'ble Finl. Secy. are approved.

Report book placed in file.

MK 14/8/19.

(Second Member)

MK 14.8.19.

794 14-8-19

32) I do not think that the Calcutta rules of Bengal and Bihar & Orissa are suitable. The Madras one is simpler and less cumbersome. The present rules may require will be used Capital in rule 1 Second sch. This will make them, Repeated about reasons for the Ordinary and Underground Concessions & for cumbersome drainage works. Before Bill is passed the phraseology - We might say 'for improvement and advancement of underground' - Rural Local Boards are restricted and municipalities work, but Boards should have the power to raise loans for industrial purposes. District Boards may not have any projects works to undertake. The provision might be omitted.

Hon'ble

33) The Hon'ble Secretary will discuss the subject once more with the Hon'ble Members of the rules.

Hon'ble

MK 14/8/19

NOTE—Contn. sheet.

Serial No.

34) A draft of the notification of the rules inserting the necessary modifications made by the member is put up.

35) The provision for irrigation work made in the draft rules is ordered to be omitted. But this term goes with drainage works in section 9 (1) of the Regulation. It is for consideration whether this term may be deleted in the amendment of the Regn. which has to be taken up in connection with the investing of powers to Local Bodies to undertake Economic work in the Local areas and also the empowering of Dist Boards under S C 23 of the Regn to levy water taxes.

36) It is also submitted that the issue of these rules may be kept off for the present. Rule 7 of the Regn may also be suitably amended enabling Govt to specify the purposes for which Local bodies can raise loans. If this is done, the anomaly pointed out by the Govt Advocate

NOTE—Contn. sheet.

Serial No.

-in his notes will also be removed. But if the rules are issued in the present form, they are likely to clash with the provisions of the Regulation.

37) Submitted for orders with reference to paras 32 & 33 supra.

20/8/49.

38) Submitted as directed in the margin.

39) The question of amending Sections 23 & 31 of the D.B. Regulation is engaging the attention of the Legislature for Section.

40) This may will, if approved be referred to that Section for needful

41). Reference is however invited to paras 32 & 33 supra.

25/10/49

(42) These rules may be referred till the D B V P Regulation is amended in accordance with the recommendations of the Famine Enquiry Committee.

Please put this one after they return from leave.

MK 23/8/49.

This was taken out from the camp box before it was taken during the Dasara from 18/10/49

(43) Keep hand submit. MK 12/12

, NOTE—Contn. sheet.

G. R. S. III-2]

1289

General and Revenue Secretariat. | File No. | of 191

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Copy for typ

The L.B: & V. P. Regulation has since been amended by Regn III of 1921. The file is herewith submitted as directed in para 4 of 743 Supra —

2858
10.11.21

Sec
10/11/21

9/11/21 (3rd member)

0010001

The orders are all right. May issue.

11/11

Issue

Sec
14/11/21

1. The Compiler, Mysore Gazette.

L.2969 & 21.11.21.

Notifies certain rules under Secns. 7, 24 & 26 of the Mysore L.B. & Village Panchayets Regn VI of 1918

NOTE—Contn. sheet.

WD A 1799—GPB—60,000—20-3-18—S.

Revised draft.

NOTIFICATION.

-:0:-

The Government of His Highness the Maharaja are pleased to make the following rules under sections 7, 24 & 26 of the Mysore Local Boards and Village Panchayat Regulation VI of 1918.

----- :0: -----

No loan shall generally be raised except for ~~capital~~ works such as the following:-

(i) Roads, tramways and railways,
(ii) Important bridges,
(iii) Markets,
(iv) Water works on a large scale,
(v) ~~Irrigation and~~ drainage works,
(vi) ~~Encouragement of~~ Industries.

and Improvement & advancement of

00100001

2. While applying to Government for sanction to raise a loan, the terms of the loan and the manner in which it is proposed to be discharged, should be specified.

3. If a cess is proposed to be levied to enable the District Board to discharge the loan, a resolution of the Board touching the following matters, confirmed in the manner laid down in the Regulation should accompany the application:-

(i) Decision to levy the cess,
(ii) Rate at which and the items on which it is proposed to be levied,
(iii) The mode of its levy and
(iv) The estimated income and incidence.

4. The Comptroller, Mysore Government shall be ex officio trustee in respect of such a loan, and all proceeds from such a cess shall be handed over to him annually for investment in the manner authorised by Government.

5. The fund shall accumulate at compound interest and shall not be at the disposal of the Local Board concerned for any purpose other than the repayment of the loan in respect of which it is raised.

'By Order'

21.6.19 Secretary to Government.

0010001

To

The Compiler, Mysore Gazette
for publication in Part III of the Gazette with the request that 300 spare copies may be sent to the Secretariat.

H.D.

Notification

The Govt of H.H. the Maharaja's are pleased to make the following rules ~~are issued~~ under sections 24 & 26 of the Mysore Local Boards and Village Panchayats' Regulation VI of 1918.

No loan shall generally be raised except for capital works such as the -- following:-

(i) Important bridges,

(ii) Markets,

(iii) Water works on a large scale, and

(iv) Irrigation and drainage works; ~~or~~ for the encouragement of industries.

1) Roads, steamways & Railways -

2. While applying to Government for sanction to raise a loan, the manner in which it is proposed to be discharged, should be specified.

3. If a cess is proposed to be levied to enable the District Board to discharge the loan, a resolution of the Board - touching the following matters, confirmed in the manner laid down in the Regulation should accompany the application. -

(i) Decision to levy the cess,

(ii) Rate at which and the items on which it is proposed to be levied,

(iii) The mode of its levy, and

(iv) The estimated income and incidence.

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5. The fund shall accumulate at compound interest and shall not be at the disposal of the Local Board concerned for any purpose other than the repayment of the loan in respect of which it is - raised.

By order

MK 4.4.19 Secy to Govt, Rev Dept

To

The Compiler, Mysore Gazette, for publication in Pt III of the Gazette with the request that 300 Spare copies may be sent to the Secretariat.

00100001

No. L2969 Ml. 54-18-1

21.11.1921

NOTIFICATION

The Government of His Highness the Maharaja are pleased to make the following rules under sections 7, 24 and 26 of the Mysore Local Boards and Village Panchayets' Regulation VI of 1918.

-:0:-

No loan shall generally be raised except for works such as the following:-

(i) Roads, tramways and railways
(ii) Important bridges
(iii) Markets
(iv) Water works on a large scale
(v) Drainage works
and (vi) Improvement and advancement of industries.

2. While applying to Government for sanction to raise a loan, the terms of the loan and the manner in which it is proposed to be discharged, should be specified.

3. If a cess is proposed to be levied to enable the District Board to discharge the loan, a resolution of the Board touching the following matters, confirmed in the manner laid down in the Regulation should accompany the application:-

(i) Decision to levy the cess
(ii) Rate at which and the items on which it is proposed to be levied.
(iii) The mode of its levy and
(iv) the estimated income and incidence.

4. The Comptroller, Mysore Government shall be ex-officio trustee in respect of such a loan, and all proceeds from such a cess shall be handed over

to

Gmm 19-11

to him annually for investment in the manner authorised by Government.

5. The fund shall accumulate at compound interest and shall not be at the disposal of the Local Board concerned for any purpose other than the repayment of the loan in respect of which it is raised.

'By order'

Secretary to Government,
Revenue Department.

001000

To

The Compiler, Mysore Gazette for publication in Part III of the Gazette with the request that 300 spare copies may be sent to the Secretariat.

SSR